

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

)  
) MDL No. 1456  
)

) CIVIL ACTION: 01-CV-12257-PBS  
)

THIS DOCUMENT RELATES TO  
01-CV-12257-PBS AND 01-CV-339

) Judge Patti B. Saris  
)

) Chief Magistrate Judge Marianne B. Bowler  
)

**NOTICE OF FILING OF AMENDED COMPLAINT**

Pursuant to the Court's order of June 7, 2004 granting Amgen's motion to reconsider that allowed amended allegations to be filed against Amgen, plaintiffs are filing today a document entitled "Amended Master Consolidated Class Action Complaint" modified per the Court's Instruction at the November 21, 2003 Hearing With Amgen Amendments.

The only changes are in the charging allegations relating to Amgen. (*See* pp. 60-69)

Plaintiffs do not believe that any other defendant needs to respond in any fashion to this filing.

DATED: July 8, 2004

By /s/ Steve W. Berman

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### **CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing NOTICE OF FILING OF AMENDED COMPLAINT to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on July 8, 2004, a copy to Verilaw Technologies for Posting and notification to all parties

By           /s/ Steve W. Berman            
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